

Location **706 High Road London N12 9QL**

Reference: **15/06414/FUL** Received: 19th October 2015
Accepted: 21st October 2015

Ward: Woodhouse Expiry 20th January 2016

Applicant:

Proposal: Conversion from D2 (Leisure) use to C3 (Residential) use at First and Second Floors and creation of additional storey to facilitate 21 no. self-contained flats including Cycle and Refuse Storage

Recommendation: Delegate authority to grant conditional Planning Permission subject to completion of S106 agreement and no new issues being raised following extended consultation period.

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. 3. Review Mechanism to capture uplift in sales recorded on Land Registry.
4. A contribution towards the amendment to the Traffic Order to facilitate the car free development - £2000
5. Monitoring of the Agreement - £1,000

RECOMMENDATION II:

That upon completion of the agreement the Service Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

698-GE01-A-P8
698-GE01-B-P8
698-GE02-P8

698-GE03-P9

698-GE04-P8

698-GA00-P3

698-GA01-P9

698-GA02-P9

698-GA03-P7

698-GARf-P6

698-GS01-P6

698-S01-P1

698-S02-P6

698-S03-P1

Design and Access Statement

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

4 a) No development other than demolition work shall take place until details of the location within the development and specification of the 2 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

b) The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2015.

5 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

6 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;

x. Details of a community liaison contact for the duration of all works associated with the development.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

7 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

8 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

9 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

10 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

11 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the

development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

12 The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

13 No flat within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with details submitted with the Planning Application.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

14

15 a) No development shall take place until a scheme of hard and soft landscaping to the flat roof and balcony areas, including size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or

diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

16 a) Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 110 litres (including a fixed factor of water for outdoor use of 5 litres/ person/ day) of water is consumed per person per day. The development shall be maintained as such in perpetuity thereafter.

b) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The 2no. wheelchair accessible units shall achieve all the relevant criteria of Part M4(3) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future).

The development shall be maintained as such in perpetuity thereafter.

c) Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015). To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012). To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015).

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 10/05/2016 unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The application does not make any provision towards on-site affordable housing, contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.12 and 3.13 of the London Plan (adopted July 2011 and October 2013), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing (adopted November 2012) Supplementary Planning Guidance.

Insufficient car parking is provided which would be likely to lead to overspill of parking contributing to increased kerbside parking to the detriment of free flow of traffic and highway and pedestrian safety contrary to policies DM01 and DM17 of the Barnet Development Management Policies Document (Adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £16,520.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority.

All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £63,720.00 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community

Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 Any details submitted in respect of the Demolition Construction and Traffic Management Plan (DCMP) above shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements, means of access and security procedures for construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

The DCMP will take into account locations of any schools in the proximity of the proposed development that may be affected by the proposed development and the applicant shall ensure that construction related traffic and or deliveries shall be avoided during the school drop off and pickup times. The applicant may need to liaise with the affected school to ensure that measures are in place to ensure pedestrian safety.

Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

Informative: The applicant is advised that the development is located on or will have an impact on the Strategic Road Network (SRN)/Transport for London Road Network (TLRN). The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.

The applicant is advised that A1000 High Road N12 is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.

The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The

construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

The applicant is advised that Highways Licensing Team must be contacted to apply for an work affecting public highway such as provision of a temporary crossover, site hoarding, erecting of any scaffolding etc. An estimate for this license can be obtained from the Highways Licensing Team, London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ

- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Officer's Assessment

1. Site Description

The site comprises a three-storey building located on the corner of the High Road and Castle Road, North Finchley.

The building consists of a render and glass Art Deco style front and partial side façade to the street elevations.

The site is located within the primary retail frontage of North Finchley Town Centre.

To the north and south of the site are commercial premises with residential units above. To the north the buildings are three storey with mansard style roof. To the south these are three storeys but lower in height than the building on site.

2. Site History

C00469Z/00 - Change of use of part of ground floor, first floor and second floor from retail (class A1) to Health Club (class D2). - Refused - 05.08.2002

C00469AB/01 - Change of use of part ground, first and second floors from retail (Class A1) to health and fitness club (Class D2). - Approved Subject to Legal Agreement for CCTV cameras - 20.06.2002

3. Proposal

The proposals are for the conversion from D2 (Leisure) use to C3 (Residential) use at First and Second Floors and creation of additional storey to facilitate 21 no. self-contained flats including Cycle and Refuse Storage.

The proposals involve the conversion of the existing upper floors of the building from a gym to 21 self-contained flats and the extension to create a glazed additional storey.

The proposals would involve the creation of a new entrance to the upper flats through the main façade of the building.

Refuse storage would be located to the side of the building nearest Castle Road.

4. Public Consultation

Consultation letters were sent to 546 neighbouring properties.

141 responses have been received, comprising 141 letters of objection, including a petition against the development has been submitted with 121 signatories.

A site and press notice were advertised on 29/10/2015.

Due to an administrative error the description of development initially advertised referred to C1 use class in error. This has been corrected and additional letters sent to residents. Given that this is a typographical error and the description makes it clear that the development is for self-contained flats officers consider it reasonable for the application to be presented to the area planning committee, with delegated authority to determine the

application, provided that no new material planning issues are raised that have not been addressed in this report. Should any new grounds for objection in any further comments be raised, then these will be reported again to the committee.

The additional letters were sent on 01/03/2016 with a deadline of 22/03/2016 for further comments.

The objections received can be summarised as follows:

Principle of Development

Loss of the gym, has enough effort been made to attract another leisure investor.
Pressure on schools and GPs would be too great.
Increased domestic waste

Overlooking/loss of privacy

Unfair to permit balconies on properties that will overlook private gardens.

The roof terrace will in future become a contentious noise pollution issue when residents start using these areas for late-night social activities.

Overshadowing/loss of light

The addition of an extra floor making the building taller will reduce light reaching house and garden.

Will be particularly noticeable in the afternoons, and evenings in the summer, when the sun will be behind the building.

The new building will cast my home and garden in shadow.

Traffic/parking generation.

There is no allocated parking.

The car park in Castle Road now only has 16 non permit places. The car park on Castle Road has an 8am paid restriction

We purchase a residents permit but at busy times, are often forced to drive round surrounding roads to find a place to park. we were sometimes forced into the car park, at additional cost to ourselves, but now even that is full.

Residents are to be offered membership to a car sharing club. This will undoubtedly add to the general parking congestion in the area.

It is suggested that there is spare capacity in the car park on Castle Road. The parking Beat survey for the Castle Road car park was carried out in the early hours of the morning. This is very misleading as the majority of parking in this car park is during the day.

Any inspection after 6pm on a weekday will confirm this as there isn't anywhere to park even on single yellow restrictions

Safety - Recently a lorry failed to make the turn at the junction of Lambert and Castle and did serious damage to a car parked in a residents' bay. Any additional pressure on parking (and even if not given permits, the residents would be likely to want deliveries etc) is likely to lead to worse incidents.

Character and Appearance

Oppose the height of the application.

An objection from the Finchley Society has been received on the following grounds:

This development seems to use all the floor space for the flats. The density of accommodation on the floor space available is made worse because there is little or virtually no amenity space for residents. The comments of the Planning Inspector on the lack of amenities in his report on the Furnitureland development is a good precedent here.

I also find that no great effort has been made to provide at least some affordable homes in this development.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The following policies are considered relevant:

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities
Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.6 Children and young people's play and informal recreation facilities
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 3.10 Definition of affordable housing
Policy 3.11 Affordable housing targets
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
Policy 3.13 Affordable housing thresholds
Policy 3.16 Protection and enhancement of social infrastructure
Policy 3.19 Sports facilities
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.10 Urban greening
Policy 5.13 Sustainable drainage
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.7 Better streets and surface transport
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.11 Smoothing traffic flow and tackling congestion
Policy 6.12 Road network capacity
Policy 6.13 Parking
Policy 7.1 Lifetime neighbourhoods
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.14 Improving air quality
Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM13, DM16, DM17

Policy CS1 The council, along with its partners, will focus major housing and economic growth in the most suitable locations and manage it to ensure that we deliver sustainable development, while continuing to conserve and enhance the distinctiveness of Barnet as a place to live work and visit. An appropriate level of transport provision will be provided as the regeneration schemes roll out. We will seek the highest standards of urban design in order to generate development proposals of landmark quality and create an accessible safe and attractive environment for people who live in, work in or visit Barnet's areas of housing and economic growth.

Policy CS3 On the basis of our Three Strands Approach we expect that in the range of 28,000 new homes will be provided within the lifetime of this Core Strategy 2011/12 to 2025/26....Our strategic approach on further development opportunity sites will be set within the context of the density matrix in the London Plan. We will seek to optimise rather than simply maximise housing density to reflect local context, public transport accessibility and provision of social infrastructure.

Policy CS4 We will aim to create successful communities in Barnet by:

- seeking to ensure a mix of housing products in the affordable and market sectors to provide

choice for all households and enable Barnet residents to progress on a housing journey that

can meet the aspirations of home ownership.

- seeking a range of dwelling sizes and types of housing including family and lifetime homes

that meets our identified housing priorities and does not undermine suburban character or local distinctiveness. Policy CS5 on Protecting and enhancing Barnet's character to create high quality places sets out how we will secure high quality design.

- delivering a minimum affordable housing target of 5,500 new affordable homes by 2025/26 and seeking a boroughwide target of 40% affordable homes on sites capable of accommodating ten or more dwellings.

- seeking an appropriate mix of affordable housing of 60% social rented and 40% intermediate for Barnet that will support our objectives of widening home ownership and providing family homes.

- on sites which are suitable for the provision of an element of affordable housing, we may exceptionally accept the provision of off-site housing, or a commuted payment instead of such provision.

Policy CS5 We will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy CS8 The council and its partners will ensure a strong and prosperous Barnet that provides opportunity for economic advancement...requiring major developments to provide financial contributions and to deliver employment and training initiatives in consultation with the Skills Development and Employability Group

Policy CS9 We will promote the delivery of appropriate transport infrastructure in order to support growth, relieve pressure on Barnet's transport network and reduce the impact of travel whilst maintaining freedom and ability to move at will.

Policy CS11 We will improve health and well-being in Barnet....ensuring that vulnerable residents benefit from housing choice and that additional residential care home provision is only supported when evidence of local need can be demonstrated and that the proposal addresses the priorities of NHS Barnet, or its successor bodies, and the council's Adult Social Services

Policy CS12 We will aim to make Barnet a safer place. It is important that we ensure through the management of growth that Barnet is a place where people from different communities get on together

Policy CS13 We will seek to minimise Barnet's contribution to climate change and ensure that through the efficient use of natural resources the borough develops in a way which respects environmental limits and improves quality of life.

Policy CS14 We will encourage sustainable waste management...requiring developments to provide waste and recycling facilities which fit current and future collection practices and targets.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM07, DM08, DM16, DM17.

Policy DM01 The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM03 Development proposals should meet the highest standards of accessible and inclusive design

Policy DM04 All major development will be required to demonstrate through an Energy Statement compliance with the Mayor's targets for reductions in carbon dioxide emissions within the framework of the Mayor's energy hierarchy.

* Development proposals will ensure that

development is not contributing to poor air quality and provide air quality assessments where appropriate.

* Development should demonstrate compliance with the London Plan water hierarchy for run off especially in areas identified as prone to flooding from surface water run off.

Policy DM06 All heritage assets will be protected in line with their significance. All development will have regard to the local historic context.

Policy DM07 Loss of residential accommodation will not be permitted unless:

a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;

b. where need can be demonstrated and;

c. the demand for the proposed use cannot

adequately be met elsewhere and is in line with other policies

Policy DM08 Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

Policy DM10 of the Adopted Barnet Development Management Policies states that 'Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.

Policy DM11 states that the council will expect a suitable mix of appropriate uses as part of development within the town centres to support their continued vitality and viability.

Policy DM16 When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity

Policy DM17 The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.
- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Residential Design Guidance SPD (Adopted 2013)

Planning Obligations SPD

Affordable Housing SPD

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the development would be acceptable.
- Whether the proposed development would make adequate provision for affordable housing.
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring and future residents.
- Whether the proposals would have a harmful impact on highway and pedestrian safety
- Whether the development makes adequate provision for security
- Sustainability/ Environmental Issues
- Section 106 Issues

5.3 Assessment of proposals

Whether the principle of the development would be acceptable.

Land Use

The proposals involve the conversion of a vacant gym building to form residential accommodation.

Policy DM13 refers to the loss of community facilities. The core strategy states that community facilities would encompass 'Libraries, Arts and Exhibition Spaces, Community Centres, Youth Provision, Religious Facilities, Other Facilities'.

It is suggested that a gym would be more accurately described as a leisure or sports facility.

Policy CS7 refers to sports uses in the context of open spaces. This is not applicable given the nature of the site as a gym.

Policy 3.16 of the London Plan states that *Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.*

The existing gym could be considered to be social infrastructure and therefore the loss of it needs to be assessed against the policy.

Policy 3.19 of the London Plan states that *Proposals that result in a net loss of sports and recreation facilities, including playing fields should be resisted*

The gym could be considered to be a sports facility. Therefore it needs to be considered whether the loss of this is acceptable.

Other gyms in the vicinity exist at PureGym North Finchley (Tally Ho Corner) and David Lloyd (Finchley Lido).

The applicant advises that previous gym operators Fitness First and Fitness exchange both ceased operating to lack of demand and viability.

It is considered that there are other gym facilities available within North Finchley town centre and nearby which could be considered to cater for demand within the locality.

The principle of residential accommodation to meet known demand within the area would be acceptable if the loss of the gym is accepted. The loss of the gym needs to be weighed up against the benefits of bringing the site into residential use. Furthermore, the proposals would bring an existing vacant building into use within North Finchley Town Centre.

Impact on North Finchley Town Centre

The site is located within the primary retail frontage of North Finchley Town Centre.

Policy DM11 states that *'Appropriate mixed use re-development will be expected to provide re-provision of employment use, residential and community use.'*

It is acknowledged that the gym use would have generated a certain amount of footfall within the town centre. However, the proposals would retain the retail uses at ground floor and bring residential use at upper floors at an appropriate density.

It is considered that the proposals would have an acceptable impact on the vitality and viability of the North Finchley Town Centre. Residential flats are considered appropriate uses as there is demand for smaller units especially within town centres.

Housing Mix

The proposals would provide the following mix of units:

2 x studio flats
4 x 1bed flats
15 x 2bed flats

Policy DM08 states that highest demand within the borough is for family sized units. Nevertheless there is demand for smaller units especially within town centre areas such as this. It is therefore considered that the mix of units is appropriate for a town centre site.

Density

- The proposals would appear to comply with density standards in the Mayor's London plan. The site is located in an urban area and is located in an area of PTAL rating 4. The London Plan advises that development should be at 200-700 units/hectare. The proposals appear to be at 233 units/hectare.

- Whether the proposed development would make adequate provision for affordable housing.

Policy DM10 states that 'Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.'

The applicant has submitted a viability appraisal in support of the planning application. This has independently been reviewed by Deloitte who conclude that the proposed scheme is unable to viably provide any affordable housing. Deloitte recommend that a review mechanism is attached in order to ensure that any uplift in value is captured.

Subject to a legal agreement in order to secure the review mechanism, it is considered that the proposals would provide the maximum reasonable amount of affordable housing

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

Layout

The proposed conversion would largely make use of the existing shape of the building.

A new residential entrance would be created at ground floor, recessed behind the entrances to the shop units.

The proposals would also involve the creation of a bin storage enclosure to the side facing Castle Road. Whilst the principle of building in this area is considered acceptable (It is currently within the area of external staircases), it is considered important that such a feature is enclosed so that it integrates within the main building.

Scale and Massing

The existing building with its art deco style facade is notable within the town centre, though the rear and north side elevations are brick and lack visual interest.

The proposals would increase the massing of the building somewhat by adding a proposed glazed roof level.

The proposed roof level would be set in on all sides so that it appears subordinate to the main building. It would be set in 3.2m from Castle Road and 2.2m from 702 High Road to the south. The rear extent of the roof would be set back 2.8m from the rear wall of the building. The rear of the building is visible from Lambert Way, which is a service road which serves the rear of commercial premises on the High Road.

The heights of buildings on the parade to the south are lower but the proposals would step up to the corner which is considered an acceptable feature within the street. The buildings to the north are three storey with mansard style roof, which would be of comparable scale to that proposed.

Given the relatively small size of the extension and its subordinate nature in relation to the main building it is not considered that it would appear out of scale within the local area and streetscene.

External Appearance and Design

The proposed roof level extension would consist of a glazed structure reflecting the design of the existing building and its articulation. The existing building is of art deco style design and has protruding rivets that give the building a strong vertical emphasis. The bars to the proposed glazed level would reflect this to help the building tie into the main building.

The north and east elevations are currently brick with black metal external staircases. The proposals would provide scope to improve the visual appearance of the building but introducing fenestration to the east and north.

It is anticipated that some plant machinery may be necessary at roof level and a condition is attached to secure these details. However the applicant advises that this will be minimised.

It is considered that the proposals would have an acceptable impact on the character and appearance of the streetscene and improve the appearance of the existing building.

Landscaping

Given the built up nature of the site, scope to provide soft landscaping is limited. Some greenery could be provided to the front balcony areas and a condition is suggested in order to secure details of this.

Whether harm would be caused to the living conditions of neighbouring and future residents.

Neighbouring Amenity

Daylight/Sunlight

The applicant has submitted a daylight and sunlight report in support of the planning application.

This assesses the impact of the proposals on no.710 High Road, of which the upper floors are in use as flats. The assessment shows that there would be no materially harmful impact on the residents of this property in terms of loss of daylight or sunlight.

To the north-east of the site is no.1 Castle Road. The assessment also shows that there would be no harmful impact on this property.

It should be noted that the flats above 698-702 High Road are located to the south of the site. As such, they are unlikely to be affected in terms of sunlight and daylight.

The proposals would make use of the existing footprint of the building, and would not increase this.

Given the relatively limited projection above the size and siting existing building, as well as the distance from the rear windows and gardens of properties on Lambert Road, it is not considered that harmful overshadowing or loss of light would result.

Visual Impact

The proposals involve the renovation, conversion and extension of the site property. There would be a minimum distance of 19m between the rear windows of the building and the nearest part of the gardens of houses on Lambert Road.

There would be a minimum distance of 36m between the rear windows of the building and the nearest facing windows of houses on Lambert Road.

Furthermore the top floor extension would be set in a further 2.8m. Given the distance of the building as extended from the rear windows and gardens of properties on Lambert Road, it is not considered that the proposed extension at a height of 2.6m would cause material harm in terms of appearing overbearing or causing loss of outlook.

The top floor would be set in from the side facing Castle Road by 3.2m. Taking this into account it is not considered it would cause loss of outlook to facing windows at 710 High Road.

To the south of the site is 698-702 High Road. This property appears to have formerly been a public house that has been converted, with the top floor being in residential use, it is assumed that it was previously a staff flat. This property is located adjacent to the site. It has outlook to the front and rear, though rear windows appear to be barred it appears this is in residential use. There is currently a wall running some 2-3m above the ground level of this property. The proposed roof level would sit above this but it would be set approximately 2.2m away from the boundary. Given the set back it is not considered that

the proposed extension would appear overbearing or cause harmful loss of outlook to this property.

Further to the south are maisonettes located above commercial premises at 690A-698A High Road. These have windows at first and second floor levels facing rearward. These are located sufficient distance from the site to ensure that there is no harmful loss of outlook.

Privacy

The rear windows of the building would be located approximately 19m from the rear of the nearest directly facing garden to houses on Lambert Road, and approximately 36m from the nearest rear window. Furthermore the top floor extension would be set in a further 2.8m.

There are single storey commercial premises within the service road area.

The supplementary Planning Document – Residential Design Guidance states that there should be a distance of 21m to neighbouring windows to avoid direct overlooking, and a distance of 10.5m to neighbouring gardens. The development would significantly exceed these distances.

The proposed development would have windows on the flank elevation facing 710 High Road. This property has flats above the ground floor use. The applicant has made amendments to the windows and balconies facing onto Castle Road so that these would be inset, and generally balconies are not located opposite the neighbouring windows. As a result these distances are approximately 16.5m. Taking into account that any views are across the street, and that the site is located within a town centre where mutual overlooking is more accepted. It is therefore not considered that harmful overlooking would result.

It is not considered that there would be overlooking from the front windows of the building across High Road.

Given the difference in levels and wall running alongside the former staff flat at 702 High Road it is not considered that overlooking would result.

Noise/Disturbance

The proposals involve the conversion of gym to residential accommodation.

The previous planning permission for the gym was subject to an hours of use condition from 6.30am to 11pm. The proposals would involve conversion to 21 flats. It is considered that, whilst the proposals may result in some increased noise after 11pm this is unlikely to be material given the wider noise climate. The previous use as a gym during opening hours would have been likely to generate more noise and disturbance than the proposed use.

Furthermore, the site is located within a town centre, would be at an appropriate density. It is not considered that the proposals would result in harmful noise and disturbance from associated general activity, pedestrian movements, and noise from open windows in summer months.

Future Amenity

Daylight/Outlook

The proposed development would feature some single aspect units however these would not be north facing. It is considered that the proposals would provide an acceptable level of outlook and daylight for future residents.

Privacy

The scheme features a courtyard area. In order to prevent overlooking between the units, the scheme features louvered blades and the applicant has removed balconies from one side of the courtyard. It is considered that this would prevent harmful overlooking.

Noise/Disturbance

It is noted that the site backs on to commercial premises on Lambert Way. Some of these have potential to cause pollution and disturbance. Environmental Health officers have looked at the proposals and consider that the proposal and mechanical ventilation to all units fronting Lambert Way and acoustic trickle vents to the units facing the High Road would be adequate enough to address our raised concerns.

Internal Space

The units would have the following sizes:

First Floor

2 bedroom unit – 75.9 sq m
Studio - 42.4 sq m
2 bedroom unit – 73.9 sq m
2 bedroom unit – 79.9 sq m
2 bedroom unit – 76.5 sq m
1 bedroom unit – 54.6 sq m
2 bedroom unit – 83.5 sq m
2 bedroom duplex – 81.8 sq m
2 bedroom duplex – 84.5 sq m

Second Floor

2 bedroom unit – 85.1 sq m
Studio - 38.7 sq m
2 bedroom unit – 69.7 sq m
2 bedroom unit – 79.9 sq m
2 bedroom unit – 76.5 sq m
1 bedroom unit – 54.6 sq m
2 bedroom unit – 71.0 sq m

Third Floor

1 bedroom unit – 53.3 sq m
1 bedroom unit – 51.6 sq m
2 bedroom unit – 72.0 sq m
2 bedroom unit – 78.8 sq m

2 bedroom unit – 94.4 sq m

The units would all comply with London Plan standards and in some cases would significantly exceed these.

External Space

The site is located within a town centre.

The Supplementary Planning Document on Sustainable Design and Construction states that: *'In town centres and for some higher density schemes including tall buildings it may not be feasible for development to provide adequate private or communal outdoor amenity space.'*

Appropriate amenity space needs to be accommodated on site. Normally this would need to be 5 square metres per habitable room for flats. This would necessitate provision of 380 square metres of amenity space. The proposals would not meet these requirements as 228 sq m is provided. It is recognised that the site is a town centre location. Measures provided include a mixture of balconies and winter gardens. Oversized units have also been incorporated to help alleviate the pressure upon amenity space requirements.

The majority of the units would have access to balcony amenity space. The SPD states that balconies should provide privacy from neighbouring properties. This objective can be achieved by using screens or by setting the balcony back within the façade. The applicant has integrated this into the proposed design. It is recognised that in closely spaced town centres such as this there is a balance to be struck between providing suitable amenity space and preventing harmful overlooking.

Given the town centre location and constraints for providing amenity space on site the proposed provision would be considered acceptable.

Playspace

Policy 3.6 of the Mayor's London Plan states that *'development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. The Mayor's Supplementary Planning Guidance Providing for Children and Young People's Play and Informal Recreation sets out guidance to assist in this process.'*

According to guidance the proposals would need to make provision for 16.1 sq m of playspace. Given the nature of the development, consisting mostly of 1 and 2 bedroom units it is considered that the scope for this is limited.

Whether the proposals would have a harmful impact on highway and pedestrian safety

The site is located on High Road at its junction with Castle Road N12.

The proposal is for the conversion of the D2 use and creation of additional storey to provide 21 residential units comprising 6x 1bedroom units and 15x2bedroom units. The existing site does not provide on-site parking. No parking spaces are being provided.

The assessment of parking provision for a residential development is based on various criteria including Public Transport Accessibility Levels (PTAL) Score. For higher PTAL of say 5/6 a parking requirement at the lower end of the council's parking policy range would be considered acceptable. However, for a PTAL Score at the lower end (say of 1 or 2)

parking provision at the higher end of the council's parking policy range would be required. The PTAL Score for the site is calculated as between 3 and 4 which is considered as medium to good accessibility.

Barnet's Local Plan Development Management Policies approved in September 2012 sets out Parking Standards as follows for the residential use:

For 4 or more bedroom units - 2.0 to 1.5 parking spaces per unit

For 2 and 3 bedroom units - 1.5 to 1.0 parking spaces per unit

For 1 bedroom units - 1.0 to less than 1 parking space per unit

Based on the above parking standards the parking requirement for the proposed development is calculated as follows.

06x1b = a range of (0.0 - 1.0) = 00.00 – 06.00 parking spaces required

15x2b = a range of (1.0 - 1.5) = 15.00 – 22.50 parking spaces required

This equates to a range of parking provision of between 15 to 28.5 parking spaces to meet the Barnet Local Plan parking standards contained in the Development Management Policies DM17.

The maximum parking provision would be more appropriate in an area with the lowest Public Transport Accessibility Level (PTAL) i.e. 1a or 1b for the site. As the PTAL rating for the site is 3/4 the parking provision is calculated as approximately 18 to 20 parking spaces which would need to be provided to meet the parking standards.

A car free development is proposed therefore no car parking is provided on site.

Policy DM17 states that *Residential development may be acceptable with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits.*

The applicant has provided a Transport Statement in an attempt to demonstrate that the development would have an acceptable impact on highway safety.

The Transport Statement submitted with the planning application has included a parking beat survey of the area within the walking distance of the site. The survey indicated that approximately 10 to 11 free spaces were available within the CPZ parking bays on the 2 days of survey and additional 67 to 69 parking spaces were available in the non-CPZ parking areas such as single yellows lines and pay and display bays.

The Statement also refers to additional permit holder parking being available in the Castle car park. However, the permit parking in the Castle Car Park is on available to business permit holder only.

Taking into Consideration the following:

- * The proposal is for conversion;
- * The site is located within a town centre;
- * The site is within an All Day CPZ;
- * The PTAL rating for the site is close to 4;

Residents have raised concerns that outside the CPZ hours there would be increased pressure on the existing residents bays which could lead to cars waiting and manoeuvring to use these spaces. Given that the CPZ operates from Monday-Saturday at 9am-5pm, it

is not envisaged that residents of the new development could continually manage parking without a parking permit; and therefore they are unlikely to own a car and create competition for parking spaces within a CPZ outside the CPZ hours.

Provided a S106 Agreement is in place to restrict the occupiers of the new development from purchasing CPZ permits, the car free development is acceptable on highway grounds. A contribution of £2000 would be required towards the amendment to the Traffic Order to facilitate the car free development.

Cycle Parking

38 cycle parking spaces are provided within the development, and this is considered acceptable.

Whether the development makes adequate provision for security

The Metropolitan Police Crime Prevention Design Advisor has been consulted on the proposals and have not expressed any objection to the proposals.

Sustainability/ Environmental Issues

Drainage

The proposals would be required to provide a drainage strategy to ensure that the development complies with policy 5.13 of the London Plan.

Environmental Performance

The applicant has provided a Sustainable Design and Construction Statement, and Energy Statement. These state that the development would achieve 35% reduction above the Building Regulations 2013.

The proposals would therefore comply with policy 5.2 of the Mayor's London Plan.

The development will be required to comply with part M4(2) of the building regulations and provide 10% (2) wheelchair accessible or adaptable units.

- Section 106 Issues

The proposed scheme would be liable to provide towards Barnet and Mayoral Community Infrastructure Levy, based on the area of the new building.

This would be charged at £35 per square metre in relation to Mayoral CiL and £135 per square metre in relation to Barnet CiL.

A contribution towards amending the traffic order to prevent residents from obtaining parking permits are also sought.

5.4 Response to Public Consultation

Principle of Development

Loss of the gym, has enough effort been made to attract another leisure investor. –
Addressed in main report

Pressure on schools and GPs would be too great. – *The proposals would be required to make provision towards Community Infrastructure Levy which would contribute to this.*
Increased domestic waste – *The proposals make adequate provision for refuse and recycling*

Overlooking/loss of privacy

Unfair to permit balconies on properties that will overlook private gardens. – *The balconies on the rear of the building have been removed*

The roof terrace will in future become a contentious noise pollution issue when residents start using these areas for late-night social activities. *It is not envisaged that the remaining balcony areas or windows will result in harmful noise or disturbance*

Overshadowing/loss of light

The addition of an extra floor making the building taller will reduce light reaching house and garden. *Addressed in main report*

Will be particularly noticeable in the afternoons, and evenings in the summer, when the sun will be behind the building. *Addressed in main report*

The new building will cast my home and garden in shadow. *Addressed in main report*

Traffic/parking generation.

There is no allocated parking. *Addressed in main report*

The car park in Castle Road now only has 16 non permit places. The car park on Castle Road has an 8am paid restriction *Addressed in main report*

We purchase a residents permit but at busy times, are often forced to drive round surrounding roads to find a place to park. we were sometimes forced into the car park, at additional cost to ourselves, but now even that is full. *Addressed in main report*

Residents are to be offered membership to a car sharing club. This will undoubtedly add to the general parking congestion in the area. *Addressed in main report*

It is suggested that there is spare capacity in the car park on Castle Road. The parking Beat survey for the Castle Road car park was carried out in the early hours of the morning. This is very misleading as the majority of parking in this car park is during the day. *Addressed in main report*

Any inspection after 6pm on a weekday will confirm this as there isn't anywhere to park even on single yellow restrictions *Addressed in main report*

Safety - Recently a lorry failed to make the turn at the junction of Lambert and Castle and did serious damage to a car parked in a residents' bay. Any additional pressure on parking (and even if not given permits, the residents would be likely to want deliveries etc) is likely to lead to worse incidents. *Addressed in main report*

Character and Appearance

Oppose the height of the application. – *Addressed in main report*

The Furnitureland development is not considered comparable to the site, as that is located outside a town centre.

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The proposed development would provide additional residential accommodation. This would include wheelchair adaptable/accessible units and so adequately cater for residents with disabilities.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

7. Conclusion

The proposals would result in the loss of a former gym. It is considered that whilst this could be considered to be contrary to policy 3.19 of the London Plan alternative facilities exist within the locality. Furthermore the proposals would deliver needed housing units within a sustainable town centre location. The proposal is generally considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

